

Ryan Q. Keech (SBN 280306)  
Ryan.Keech@klgates.com  
Stacey Chiu (SBN 321345)  
Stacey.Chiu@klgates.com  
Rebecca I. Makitalo (SBN 330258)  
Rebecca.Makitalo@klgates.com  
Jacob R. Winningham (SBN 357987)  
Jacob.Winningham@klgates.com  
K&L GATES LLP  
10100 Santa Monica Boulevard  
Eighth Floor  
Los Angeles, California 90067  
Telephone: +1 310 552 5000  
Facsimile: +1 310 552 5001

*Attorneys for Defendant and Counter-Claimant*  
**CHECKMATE.COM INC.**

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

ARJUN VASAN,

Plaintiff,

v.

CHECKMATE.COM, INC.,

Defendant.

CHECKMATE.COM, INC.,

Counterclaim-Plaintiff,

v.

ARJUN VASAN,

Counterclaim-  
Defendant.

Case No. 2:25-CV-00765-MEMF-JPR

Hon. Maame Ewusi-Mensah  
Frimpong

**DECLARATION OF REBECCA I.  
MAKITALO IN SUPPORT OF  
CHECKMATE.COM, INC.'S  
OPPOSITION TO PLAINTIFF  
ARJUN VASAN'S NOTICE OF  
DEFENDANT'S FAILURE TO  
TIMELY OPPOSE MOTION TO  
DISMISS COUNTERCLAIMS  
AND MOTION TO STRIKE  
AFFIRMATIVE DEFENSES**

Complaint Filed: January 28, 2025  
Amended Complaint Filed: February  
21, 2025

DECLARATION OF REBECCA I. MAKITALO IN SUPPORT OF CHECKMATE'S OPPOSITION TO  
PLAINTIFF'S NOTICE OF DEFENDANT'S FAILURE TO TIMELY OPPOSE MOTION TO DISMISS  
COUNTERCLAIMS AND MOTION TO STRIKE AFFIRMATIVE DEFENSES

**DECLARATION OF REBECCA I. MAKITALO**

I, Rebecca I. Makitalo, declare as follows:

1. I am an associate attorney at the law firm of K&L Gates LLP, counsel for Defendant and Counter-Claimant Checkmate.com, Inc. (“Defendant” or “Checkmate”) in the above-titled matter. I am duly licensed to practice law in the State of California and before the United States District Court for the Central District of California and am responsible for representing said Defendant in this action. Except where otherwise indicated, all of the information contained herein is based upon my personal knowledge and if called and sworn as a witness, I could and would competently testify thereto.

2. I have been practicing before the Central District of California (“District”) for approximately five (5) years and am familiar with the Local Rules.

3. I have never missed a deadline set forth by the Local Rules or pursuant to any judge’s standing order in this District.

4. In compliance with Local Rule 7-9, requiring that opposing papers be filed “not later than twenty-one (21) days before the date designated for the hearing of the motion,” I mistakenly believed the deadline to file Checkmate’s response to Plaintiff Arjun Vasan’s (“Plaintiff” or “Vasan”) Motions to Dismiss and Strike (Dkts. 75, 79, 81) (the “Motions”) was September 18, 2025, in accordance with the Court’s Order setting the hearing date for October 9, 2025 (Dkt. 82), rather than the deadlines set forth by this Court’s Standing Civil Order.

5. On August 30, 2025, my grandfather suffered a heart attack in the early hours of the morning. I traveled to the hospital to be with him and my family. I thereafter put an automatic away message on my emails that I was out of the office.

6. Later that same morning, August 30, 2025, Vasan sent an email to me informing me that Checkmate missed the deadline to oppose his Motions, which I did not review as I was not monitoring my emails during this time.

1           7.     Attached hereto as **Exhibit A** is a true and correct copy of the email I  
2 received from Vasani dated August 30, 2025.

3           8.     My grandfather passed on September 2, 2025, and I remained with my  
4 family to support them through this difficult time and was out of the office until  
5 September 8, 2025.

6           9.     I returned to the office on September 8, 2025 and only then became  
7 aware of the missed deadline. Upon my return, I immediately took steps to address  
8 this oversight and seek the Court's understanding and consideration to file a response  
9 to Plaintiff's Motions by September 18, 2025.

10          10.    I emailed Vasani requesting that he stipulate to an alternate briefing and  
11 hearing schedule that would both avoid prejudice and provide Vasani with sufficient  
12 opportunity to have his assertions heard on the merits and the Court with sufficient  
13 opportunity to review and consider a fully-briefed motion, which he refused.

14          11.    Attached hereto as **Exhibit B** is a true and correct copy of the email  
15 correspondence with Vasani dated September 8, 2025 and September 9, 2025.

16          12.    Previously, Vasani requested Checkmate stipulate to an extension to file  
17 his response to Checkmate's Counterclaims to August 6, 2025, a request to which  
18 Checkmate agreed. *See* Dkt. 72.

19          13.    Attached hereto as **Exhibit C** is a true and correct copy of the email  
20 correspondence with Vasani dated July 11, 2025 through July 15, 2025.

21          14.    I apologize for the inconvenience caused to the Court. The missed  
22 opposition deadline was an isolated incident, and I am taking measures to ensure that  
23 such an oversight does not occur in the future. I am committed to adhering to the  
24 Court's Standing Order and procedures moving forward.

25          I declare under the penalty of perjury under the laws of California that the  
26 foregoing is true and correct.

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1 Executed this 9th day of September, 2025 in Los Angeles, California.  
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